

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6549

BILL NUMBER: SB 178

NOTE PREPARED: Mar 4, 2010

BILL AMENDED: Mar 4, 2010

SUBJECT: Custody and Parenting Time Matters.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR: Rep. VanDenburgh

BILL STATUS: Enrolled

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- (1) Requires a paternity affidavit to contain: (a) a provision that allows the mother and the man identified as the father to agree to share joint legal custody of the child; (b) a statement explaining joint legal custody; (c) a provision stating that if the parties do not agree to share joint legal custody, the mother has sole legal custody; (d) a provision stating that even if the parties agree to share joint legal custody, the mother has primary physical custody; (e) a provision stating that an agreement to share joint legal custody is void unless the result of a genetic test performed by an accredited laboratory: (I) indicates that the man identified as the child's biological father is the child's biological father; and (II) is submitted to a local health officer not later than 60 days after the child's birth; and (f) a statement with signature lines that affirms that the child's mother or the person identified as the child's father, if less than 18 years of age, has had an opportunity to consult with an adult chosen by that individual.
- (2) Provides that the man who is identified as the father has parenting time in accordance with the parenting time guidelines.
- (3) Provides that, if a paternity affidavit is executed, the mother has primary physical custody of the child.
- (4) Requires that an action to establish custody or parenting time brought by a party who has agreed in a paternity affidavit to share joint legal custody be tried de novo.
- (5) Requires that a paternity affidavit be presented separately to the child's mother and the man who reasonably appears to be the child's biological father before it is signed.
- (6) Provides that an agreement in the paternity affidavit to share joint legal custody is void if: (a) a genetic test performed by an accredited laboratory indicates that the man identified as the child's biological father is not the biological father of the child; or (b) the man fails to submit the genetic test results to a local health officer not later than 60 days after the date of the child's birth.

(7) Provides that an individual who: (a) is the child's mother or a man identified as the child's biological father; and (b) is less than 18 years of age; must be given the opportunity to consult with an adult chosen by the individual regarding the contents of the paternity affidavit before signing the affidavit.

Effective Date: July 1, 2010.

Explanation of State Expenditures: This bill will increase the workload of the Indiana State Department of Health to redesign the paternity affidavit form. Increases in workload are expected to be minimal.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill will increase the workload of local health department officials to receive genetic tests of alleged fathers to the extent this is required under the conditions set forth in the paternity affidavit.

Explanation of Local Revenues:

State Agencies Affected: State Department of Health.

Local Agencies Affected: Local health departments.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.